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Docket Number (Optional)
01-040PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

First Named Inventor: John Packes, Jr.,

Art Unit: 3713

Application Number: 09/991,168

Examiner: CHERUBIN, Yveste

Filed: November 14, 2001

Title: DEVICE AND METHOD FOR PROVIDING PAYOUTS BASED ON ACTIVITY AND RANKS OF OTHER
GAMING SESSIONS

RECEIVED

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUN 24 2004

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703)305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

Small entity - fee \$ 55.00 (37 CFR 1.17(l)) Applicant claims small entity status..
See 37 CFR 1.27.

Other than small entity - fee \$ (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of

(identify the type of reply):

has been filed previously on _____
 is enclosed herewith.

06/23/2004 AWONDRF1 00000058 500271 09991168

B. The issue fee of \$ 01 FC:2452 55.00 DA

has been paid previously on _____
 is enclosed herewith.

(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Docket Number (Optional)
01-040

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

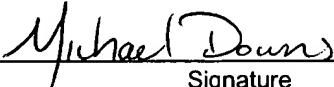
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity of
\$ _____ other than a small entity) disclaiming the required period of time enclosed herewith
(see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorize on PTO-2038.

June 17, 2004

Date



Signature

203.461.7292

Telephone Number:

Michael D. Downs

Typed or printed name

50,252

Registration Number, if applicable

WALKER DIGITAL MANAGEMENT, LLC

Address

Five High Ridge Park, Stamford, CT 06905

Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unavoidable delay _____ Return Receipt Postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

June 17, 2004

Date



Signature

Veronika S. Leliever

Typed or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

June 17, 2004

Date



Signature

50,252

Registration Number, if applicable

Michael D. Downs

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Petition for Revival of an Application for Patent Abandoned Unavoidably
(O.A. not received)

Applicants filed a Response to Notice to File Missing Parts of Application, Assignment, Declaration and Power of Attorney on January 18, 2002. USPTO then mailed an updated Filing Receipt on February 19, 2002, Notice of Recordation of Assignment on April 5, 2002 and a Notice of Publication of Application on May 30, 2002.

Since then, Applicants did not receive an Office Action or any Office Communication from the USPTO. Accordingly, Applicants placed a call to Examiner Cherubin to inquire about the status of this patent application on April 16, April 20 and April 21, 2004. Examiner Cherubin confirmed that an Office Action had been sent out by the USPTO on October 6, 2003 which Applicants did not receive, and faxed a copy of same on April 22, 2004. Additionally, Applicants were advised that a Notice of Abandonment would follow within the next couple of weeks.

A Notice of Abandonment was mailed by USPTO on June 1, 2004, advising Applicants that the above-identified application became abandoned for failure to timely respond to Office Action dated October 6, 2003.

Applicants hereby attest to the fact that a search of the file jacket and docket records as well as the Computer Packages Inc., which is a computer software used for tracking action to and from USPTO, indicate the Office Action of October 6, 2003 was never received. Please find enclosed Exhibit "A" that is a copy of the mail log clearly indicating that Applicants did not receive any Office Actions pursuant to the October 6, 2003 mailing date. Please accept Exhibit "A" as documentary proof of non-receipt of the Office Action.

(Please attach additional sheets if additional space is necessary)